REMARKS

Claims 1, 2, 5 and 6 are pending in the present application. Claims 1 and 2 have been amended herein. No new matter has been added. Applicant requests reconsideration of the amendment and allowance of the application in view of the following remarks.

As an initial note, the step 2) in former claim 1 is corrected by deleting "checking a version number" to make claim 1 clear and in conformity with the specification because "checking a version number" is not always necessary according to the A) to F) as well as Figure 4 and steps 401 to 414 in the specification. This amendment overcomes the defect that "checking a version number" also contradicts steps 2D) and 2E) and does not raise new issues. The amendments to the claims contained herein do not extend beyond the originally disclosed application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Claims 1, 2, 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over 3GPP Release 1999 – TS 29.060 v3.7.0 (2000-12) by 3GPP Release 1999 Organizational Partners (hereinafter "3GPP Release 1999") in view of 3GPP – TS 09.60 V6.10.1 (Release 1997), (hereinafter "E3GPP RELEASE 1997"). Applicant respectfully traverses this rejection.

Firstly, the amended claim 1 provides a method for processing Create Packet Data (PDP) Context Request can solve the potential trouble of incompatibility between two versions of GTPv0 and GTPv1. In contrast hereto, 3GPP 1999 only describes the optimized and updated version of GTPv0 (i.e. GTPv1) and 3GPP 1997 only describes definitions of GTPv0. Each of 3GPP 1997 and 3GPP 1999 is complete and functional in

itself, so there would be no reason to use parts from or add or substitute parts to any reference. Neither of the 3GPP 1999 and the 3GPP 1997 teaches or suggests the method which can solve the potential trouble of incompatibility between two versions of GTPv0 and GTPv1. Currently, there is still no prior art that points out the incompatibility between two versions of GTPv0 and GTPv1 or provides a solution to solve the incompatibility problems. Since the problem solved by the invention is never even recognized before, the recognition of an unrecognized problem militates in favor of patentability.

Secondly, it can be easily seen that 3GPP 1997 defines one cause value of "No resources available" to indicate the cause of lack of resources. While, 3GPP 1999, defines three cause values "No resources available" , "All dynamic PDP addresses are occupied" and "No memory is available" to indicate the same type of cause that the cause of lack of resources with 3GPP 1997. However, the GTPv1 defined in the 3GPP 1999 does not disclose how to use those three cause values or how to implement the communication between the GTPv0 and the GTPv1. Therefore, the combination of 3GPP 1999 and 3GPP 1997 suggested requires a series of separate, awkward combinative steps that are too involved to be considered obvious. Since the same case value of "No resources available" in both 3GPP 1997 (GTPv0) and 3GPP 1999 (GTPv1) is available to indicate the cause of lack of resources, a person skilled in the art would use such cause value obviously. Therefore, it would be necessary to make modification, not taught in the prior art, in order to combine 3GPP 1997 and 3GPP 1999 in the manner suggested and to conclude claim 1.

Therefore, the 3GPP 1999 does not teach or suggest all the features in the amended claim 1 as a whole.

Further, the 3GPP 1999 does not teach or suggest how to use the cause values. The Examiner opines that according to 3GPP 1999 and 3GPP 1997, one skilled in the art can use replace general response such as "no resource available" with more descriptive response message such as "All dynamic PDP addresses are occupied." Applicant disagrees with this because one skilled in the art may not always replace general response such as "no resource available" with more descriptive response message such as "All dynamic PDP addresses are occupied." The reasons are that: if just according to the definitions of 3GPP 1999, in practical applications, Applicant found that each equipment provider has its own understanding of the protocols, and in case of an implementation of the GTPv1 version, it is in line with the specifications either to use the new Cause values "All dynamic PDP addresses are occupied" and "No memory is available" or to use the value "No resources available" as in the GTPv0 version. In other words, during practical applications, different equipment providers always use different cause values. However, because the newly added Cause values in the GTPv1 version can not be supported by GSN nodes use the GTPv0 version, potential trouble of incompatibility exists. For example, if the processing result is that the GSN fails to create a PDP context because no free dynamic PDP address is available, the cause value may be filled with "All dynamic PDP addresses are occupied" or "No resource available" according to different equipment providers' understanding of the protocols. If the cause value is filled with "All dynamic PDP addresses are occupied" without considering the version number of the request, the sender can not understand this cause value if the sender just use the GTPv0. If the cause

value is filled with "No resource available" without considering the version number of the request, the sender can understand this cause value no matter which version the sender uses, however, the definition of "All dynamic PDP addresses are occupied" would be wasted if the sender uses the GTPv1. However, the 3GPP 1999 does not consider the above problems, nor can it teach or suggest a solution to solve the above problems. Applicant respectfully submits that no prior art teaches or suggests how to use the cause values as recited in the amended claims 1, i.e., the features of 2D, 2E and 2F as recited in the amended claim 1.

Specifically, 2D) recites: if the processing result is that the GSN fails to create a PDP context because no free dynamic PDP address is available, reading the Create PDP Context Request message and checking the version number of the message according to a message header thereof, if it is the GTPv1 version, the Cause value is set as "All dynamic PDP addresses are occupied"; otherwise, it is the GTPv0 version, and the Cause value is set as "No resources available". 2E) recites: if the processing result is that the GSN fails to create a PDP context because there is no enough memory available, reading the Create PDP Context Request message and checking the version number of the message according to the message header thereof, if it is the GTPv1 version, the Cause value is set as "No memory is available"; otherwise, it is the GTPv0 version, and the Cause value is set as "No resources available". 2F recites: if the processing result is that the GSN fails to create a PDP context due to lack of resources other than the above, setting the Cause value as no resources are available without checking the version number of the created PDP context request message. In view of the above different features, the amended claim 1 recites two cases to use the cause values of "All dynamic PDP addresses are occupied"

and "No memory is available" respectively, i.e., the two cases of "the processing result is that the GSN fails to create a PDP context because no free dynamic PDP address is available and the version number is GTPv1" and "the GSN fails to create a PDP context because there is no enough memory available and the version number is GTPv1". Further, the Cause value is set as no resources are available without checking the version number of the created PDP context request message in the case that the processing result is that the GSN fails to create a PDP context due to lack of resources other than the above two cases. The above steps of D, E and F can ensure smooth communications between the two versions.

In addition, 3GPP 1999 does not disclose when "checking the version number of the message according to a message header" is performed as recited in the amended claim. Examiner recites that "3GPP 1999 disclosed the version field is an always-present field in the header of the message, thus it is read no matter what". Applicant disagrees with the Examiner. "An always-present field in the header of the message" only indicate the field could be read but not indicate when the field is read. The Examiner has not presented a convincing line of reasoning as to why it is read no matter what. While in the amended claim 1, it is clearly defined the filed is read in the two cases.

Further, the performing internal processing and getting a processing result before checking the version number and the checking the version number in some cases to implement compatibility of different protocol versions can not be obtained from the cited documents obviously. Even combined the 3GPP 1999 with the 3GPP 1997, what can be conceived by those skilled in the art may be checking the version numbers in all cases since the 3GPP 1999 and the 3GPP 1997 describe two versions respectively. However,

compared with the cited documents, the amended claim 1 brings much higher efficiency that the GSN would not need to check the version number of the message in all cases.

The Examiner opines that the internal processing should be performed after the version number is checked. Applicant disagrees with this. According to the features of the amended claim 1, it is obviously that the internal processing is activating the PDP context, which can be performed without checking the version number as one skilled in the art known. Further, the processing result is whether the GSN fails to create a PDP context or not, which is also irrelevant to the version number. Therefore, Applicant respectfully submits that the internal processing can be performed without checking the version number.

Therefore, Applicant respectfully submits that claim 1 is patentable in view of 3GPP 1999 over 3GPP 1997.

Therefore, it is respectfully that the amended independent claim 1 meets the requirements of patentability.

Dependent claims 2, 5 and 6 are also patentable over the cited documents accordingly.

In conclusion, it is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

In view of the above, Applicant respectfully submits that this response complies with 37 C.F.R. § 1.116. Applicant further submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's attorney at the number listed below. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

/Ira S. Matsil/
Ira S. Matsil
Reg. No. 35,272
Attorney for Applicant

SLATER & MATSIL, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, TX 75252
Tel: 972-732-1001
Fax: 972-732-9218